

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NAPLETON'S ARLINGTON HEIGHTS MOTORS, INC. f/k/a NAPLETON'S PALATINE MOTORS, INC. d/b/a NAPLETON'S ARLINGTON HEIGHTS CHRYSLER DODGE JEEP RAM, an Illinois corporation; NAPLETON'S RIVER OAKS MOTORS, INC. d/b/a NAPLETON'S RIVER OAKS CHRYSLER DODGE JEEP RAM, an Illinois corporation; CLERMONT MOTORS, LLC d/b/a NAPLETON'S CLERMONT CHRYSLER DODGE JEEP RAM, an Illinois limited liability company; NAPLETON'S NORTH PALM AUTO PARK, INC. d/b/a NAPLETON'S NORTHLAKE CHRYSLER DODGE JEEP RAM, an Illinois corporation; NAPLETON ENTERPRISES, LLC d/b/a NAPLETON'S SOUTH ORLANDO CHRYSLER DODGE JEEP RAM, an Illinois limited liability company; NAPLETON'S MID RIVERS MOTORS, INC. d/b/a NAPLETON'S MID RIVERS CHRYSLER DODGE JEEP RAM, an Illinois corporation; NAPLETON'S ELLWOOD MOTORS, INC. d/b/a NAPLETON'S ELLWOOD CHRYSLER DODGE JEEP RAM, an Illinois corporation,

Plaintiffs,

v.

FCA US LLC, a Delaware corporation

Defendant.

Case No. 1:16-cv-00403-VMK-SMF

**FCA'S MOTION FOR LEAVE TO FILE THE DECLARATION OF MICHAEL J.
HORRELL UNDER SEAL**

Pursuant to Civil Local Rules 5.8 and 26.2, Defendant, FCA US LLC (“FCA”), moves this Honorable Court for leave to file under seal the Declaration of Michael J. Horrell in Support of FCA’s Opposition to Plaintiffs’ Motion to Set Deadlines for Production of Documents and to Compel Production of Documents Relating to Sales Reporting to the Public (“Horrell Declaration”).

ARGUMENT

A document may be filed under seal for “good cause.” Local Rule 26.2; *see Citizens First Nat. Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999) (public interest in judicial proceedings can be overridden if privacy interests “predominate in the particular case, that is, only if there is good cause for sealing a part or the whole of the record in that case”). To show “good cause,” a party seeking a sealing order must “analyze in detail, document by document, the propriety of secrecy, providing reasons and legal citations.” *See Strait v. Belcan Eng’g Grp., Inc.*, 2012 WL 2277903, at *1 (N.D. Ill. June 18, 2012) (quoting *Baxter Int’l, Inc. v. Abbott Labs.*, 297 F.3d 544, 548 (7th Cir. 2002)). Documents containing information containing a “properly demarcated category of legitimately confidential information . . . are entitled to be kept secret and out of the public record.” *Solaia Tech. LLC v. Arvinmeritor, Inc.*, 2004 WL 549449, at *1 (N.D. Ill. Jan. 28, 2004) (citations omitted) (internal quotations omitted).

In support of its Opposition to Plaintiff’s Motion to Set Deadlines for Production of Documents and to Compel Production of Documents Relating to Sales Reporting to the Public, FCA has provisionally filed the Horrell Declaration under seal, and at the same time, filed a redacted public version of the declaration. *See* Local Rule 26.2(c). The redacted portion of the Horrell Declaration contains information regarding ongoing government investigations, which

this Court has recognized are non-public. *See* Dkt. No. 114 at 12 (“Government investigations are not public and remain that way until and unless claims or charges are filed or the investigations are closed.”); *see also John Doe Co. No. 1 v. Consumer Fin. Prot. Bureau*, 195 F. Supp. 3d 9, 13 (D.D.C. 2016). Therefore, FCA respectfully requests that the Court grant this motion and enter an order giving leave to FCA to file under seal the Declaration of Michael J. Horrell in Support of FCA’s Opposition to Plaintiff’s Motion to Set Deadlines for Production of Documents and Compel Production of Documents Relating to Sales Reporting to the Public.

Dated: May 23, 2017

Respectfully submitted,

/s/ Felicia H. Ellsworth

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be served upon counsel for Plaintiffs electronically via the CM/ECF system on May 23, 2017.

/s/ Felicia H. Ellsworth

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